



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Accounting Eighteenth Account and Report of Co-Trustees and Petition for its Settlement, for
Approval and Allowance of Trustees Compensation and Attorney's Fees for Authority to Deposit Funds
to Blocked Account; and for Instructions to make Payments to Related Party on Behalf of Beneficiary**

		MICHAEL PAPPACODA and JOYCE THOMAS , Co-Trustee, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 01/01/14 – 12/31/14	<p>1. Minute order dated 5/1/14 ordered the trustee's to itemize all fees on future accountings. This accounting still has the trustees receiving a portion of their fees as a percentage of the property on hand. – Please see additional page for Declaration of Joyce Thomas regarding Trustee's Fees.</p> <p>Note: A status hearing will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, July 15, 2015 at 9:00a.m. in Dept. 303 for the filing of the receipt for blocked account. Wednesday, February 24, 2016 at 9:00a.m. in Dept. 303 for the filing of the nineteenth Account and Report of Trustees. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from		Accounting - \$220,315.88	
Aff.Sub.Wit.		Beginning POH - \$184,000.55	
✓ Verified		Ending POH - \$195,169.14	
Inventory		Bond has been waived.	
PTC			
Not.Cred.			
✓ Notice of Hrg		Trustees - \$2,901.69 (1% of the value of the assets for general services totaling \$1,951.69 plus 19 hours @ \$50/hr. (\$25/hr. for each trustee, totaling \$950.00) for specific services such as taking the beneficiary to appointments that require the presence of both trustees.)	
✓ Aff.Mail	W/		
Aff.Pub.		Attorney - \$2,902.50 (per itemization and declaration, 8.65 hrs. at \$300/hr. attorney time and 4.10 hrs. @ \$75/hr. paralegal time)	
Sp.Ntc.			
Pers.Serv.		Costs - \$200.00 (filing fees)	
Conf. Screen		Petitioner's state pursuant to the Order establishing the Trust, if the balance of the Trustee's checking account exceeds \$10,000.00 excess funds are to be transferred into the Trust's blocked account. The balance of the checking account currently exceeds \$10,000.00. Petitioners request the authority to deposit the sum of \$10,000.00 to the blocked account.	
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 2620(c)			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Please see additional page			Reviewed by: KT Reviewed on: 6/25/15 Updates: Recommendation: File 1 - Goering

Petitioner states as set forth in this accounting and as affirmed in the accountings filed over more than 15 years, the trustees have made payments to Joyce Thomas, mother of the beneficiary, and the person in whose home he resides for his special needs. Payments made monthly include:

PG&E	\$200.00
Care for the beneficiary	\$200.00
Housekeeping services	\$200.00
Cable TV	\$200.00

In addition telephone and internet services are provided to the residence with a portion paid by the trust and the balance paid by Joyce Thomas. During the accounting payments to AT&T were approximately \$95.00 per month. In addition, the Trustees reimbursed Joyce Thomas for various items purchased for the beneficiary.

Petitioners requests the authority to continue making payments to Joyce for the benefit of the beneficiary, subject, always, to review by the court upon the filing of each annual accounting.

Petitioners pray as follows:

1. That the Eighteenth Account and Report of Trustee is approved, allowed and settled;
2. That all acts and transactions of the Trustee and shown in the account be approved;
3. That the Trustees be allowed the sum of \$2,901.69 for their services as Trustees;
4. That the Attorney for the Trustee be allowed the sum of \$2,902.50 for his legal services rendered to said Trustees plus costs of \$200.00 during the account period.
5. That Trustee be instructed an directed to continue making payments to Joyce Thomas for housekeeping services, care services, cable television and to pay an equitable share of the AT&T charges.
6. That the Trustees be authorized and directed to deposit the sum of \$10,000.00 to the trust's blocked account.

Declaration of Joyce Thomas filed on 6/15/15 states the hours expended each month as Trustee vary slightly, however, on a general basis the following duties are performed:

Financial Management: Ms. Thomas estimates that the total time expended on financial management is 3 – 4 hours per month.

Vehicle Maintenance: Ms. Thomas estimates that the total time expended on maintenance for the trust owned vehicle is 6 – 8 hours per year.

Shopping Trips: Ms. Thomas estimates that shopping trips with Michael average 8 – 10 hours per month.

Accounting and Record Keeping: In addition to the financial matters above, Ms. Thomas states she spends approximately 4 – 6 hours per year.

Total time spent is approximately 13 hours per month or 156 hours per year. The requested fees for "ordinary services" of \$1,951.69 equates to \$12.51 per hour which is significantly lower than the \$25.00 requested in the itemized services in the petition.

Lauren Herzog Trust**Barron, Richard B. (for Perine & Dicken Professional Fiduciaries and Conservators)****Case No. 09CEPR00542****Petition for Approval of Trustee's Supplemental Current, for Approval of Trustee's Fees and for Authorization to Compensate Counsel for the Trustee and for Final Distribution of Trust Assets**

		PERINE & DICKEN PROFESSIONAL FIDUCIARIES , Co-Trustees Ronald Dicken, Patricia Dicken, and Karen Steele, are Petitioners.	NEEDS/PROBLEMS/ COMMENTS: <u>Note:</u> On 9/16/14, the Court settled the Trustee's Fourth Account covering through 4/30/14, and also authorized termination of the trust, with supplemental account. Order Authorizing Termination of Trust was entered 9/17/14.
		Petitioners state: On 9/17/14, the Court allowed Lauren to terminate the trust and the trustee was directed to assign to Lauren future rights in the annuities held by the trust and to retain a reserve of \$5,000.00 for final debts, taxes, and administrative costs and to provide an informal accounting on or before 3/24/15. The Trustee has now paid all remaining bills except for attorney's fees for this report and account and have distributed all assets of the trust save and except for \$3,529.23.	
COnt from 060815		Account period: 5/1/14 through 4/15/15 Accounting: \$450,282.79 Beginning POH: \$419,304.46 Ending POH: \$ 3,529.23	1. Need receipt from the beneficiary Lauren Herzog of distributions totaling \$429,746.88. 2. The Order Settling the Fourth Account entered 9/17/14 authorized attorney fees of \$2,052.00, as requested in the petition. However, the Disbursements Schedule reflects "Court approved attorney fees" of \$6,143.46 paid on 10/27/14, plus \$90.00 paid on 1/15/15 and \$36.00 paid on 4/6/15 (total \$6,269.46). <u>Need clarification.</u> <u>SEE ADDITIONAL PAGE</u>
<input type="checkbox"/>	Aff.Sub.Wit.	Trustee: \$3,952.21 (.75%, payable monthly) (\$3,360.28 has already been paid at \$329.35 per month. Petitioner requests payment of the balance of \$591.93.)	
<input checked="" type="checkbox"/>	Verified	Note: In addition to the trustee fees, broker fees of 1.5% are also paid to Merrill Lynch. Fees for this account period total \$3,633.97.	
<input type="checkbox"/>	Inventory	Attorney: \$1,329.00 (for 5.1 attorney hours @ \$250/hr and 0.6 bookkeeper hours @ \$90/hr, itemized at Exhibit B. Note: Time includes 2.5 estimated hours for travel to Fresno, appearance at hearing, and return travel, as well as 0.4 hours estimated time for final charges to distribute residue and close out file.)	
<input type="checkbox"/>	PTC	Bond: Current bond is \$576,000.00. Petitioner requests exoneration upon proof of distribution.	
<input type="checkbox"/>	Not.Cred.	Petitioners pray for an Order:	
<input checked="" type="checkbox"/>	Notice of Hrg	1. Finding that all facts stated in the petition are true and that all notices required by law have been duly given;	
<input checked="" type="checkbox"/>	Aff.Mail W	2. Settling the Trustee's Supplemental Account and confirming and ratifying all acts and transactions set forth therein;	
<input type="checkbox"/>	Aff.Pub.	3. Allowing a fee of \$3,951.21 to the Trustee for services rendered through 4/15/15 and authorizing the Trustee to receive \$591.93 as the balance of their fee not yet paid;	
<input type="checkbox"/>	Sp.Ntc.	4. Authorizing the Trustee to pay its attorney from trust funds the sum of \$1,329.00 for attorney's fees for services rendered through the hearing of this petition and for filing proofs of distribution and exoneration of the Trustee's bond;	
<input type="checkbox"/>	Pers.Serv.	5. For an order discharging the Trustee and exonerating its bond upon filing proof that the sums remaining in the Trust have been distributed to the Beneficiary; and	
<input type="checkbox"/>	Conf. Screen	6. For such other further relief as the court deems just.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc Reviewed on: 6/25/15 Updates: Recommendation: File 2 - Herzog

- 3. Attorney fee request includes .6 hours @ \$90/hr for the attorney's bookkeeper. The Court may require authority pursuant to Probate Code §2640(c), which appears to allow legal services for attorney and paralegal only, and Local Rule 7.17.B.4, which disallows clerical services as a cost of doing business.**
- 4. The Court may require clarification regarding the estimated time included in the attorney fees. Note: Travel time to and from court is considered a cost of doing business and not reimbursable. The Court may require some reduction.**
- 5. If the petition is granted as prayed, order should reflect distribution of the remaining dollar amount to the beneficiary. Local Rule 7.6.1.A.**

Update: Declaration of Richard Barron filed 6/5/15 states the petition to settle the Fourth Account requested \$2,052 for services and costs through 5/31/14. On 7/31/14, Ms. Herzog notified the trustee of her election to terminate the trust. A petition to terminate was filed and with an order shortening time, heard on the same day as the Fourth Account. The order authorized the \$2,052 through 5/31/14, and Judge Oliver also authorized the trustee to retain \$5,000.00 and indicated that only an "informal accounting" was needed showing the deductions from the final reserve. On 9/30/14, the final bill was prepared which included charges from 6/1/14 through 9/30/14, which included research whether the annuities in the trust could be assigned to Ms. Herzog, advising the trustee concerning the procedure for terminating the trust, preparing the petition to terminate the trust, hearings on both petition, came to \$3,228.00, plus \$740.00 in costs to file the petitions and the request for order shortening time. See Exhibit A. When added to the fees authorized by Judge Oliver through 5/31/14, the total fees and costs came to \$6,143.46. This bill inadvertently included a charge of \$123.46 which should have been taken out. He did not seek prior authorization because he believed, based on Judge Oliver's order for an "informal accounting," that there would not be further hearing. In authorizing the trustee to retain \$5,000.00, he also assumed that Judge Oliver's intent was to authorize the trustee to expend up to that amount for final expenses, including attorneys fees, to terminate the trust without further court authorization.

Bookkeeper expenses: For smaller estates, it is the firm's practice to use employee Pamela Anthony to prepare the account rather than an outside accounting office. Ms. Anthony has been trained to follow the format required and has prepared more than 200 accountings for conservatorships and trusts, including in Fresno County. This issues has been previously addressed by this court and Ms. Anthony's charges approved. See Order dated 5/14/15 in re Josephine Diaz Special Needs Trust 11CEPR00138.

Travel: Mr. Barron was not aware that Fresno County does not allow travel charges and he is not aware of any other jurisdiction that has adopted such a rule. Such a rule is unfair and discriminatory to attorneys outside of Fresno who are forced to either absorb costs or decline cases. He considered the possibility of appearing telephonically, but decided to appear in person as there are two hearings being heard on the same day. The beneficiary intended to travel from the Los Angeles area to be present for the hearing to terminate in case Judge Oliver had questions for them, and he felt it would be appropriate to be present in person and respond to any questions Judge Oliver might have.

Naveah, 6	MARIA GUERRERO, mother, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/27/15</u> Minute Order from 05/27/15 states: For the record, Monica Sifuentes is the maternal grandmother. The matter is continued for service as to the father. 1. Need Notice of Hearing. 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Feliciano Jimenez (father)
Jahnessa, 5	IRENE ALMERAS, paternal grandmother, was appointed guardian of the minors on 02/07/12. – <i>Consent & Waiver of Notice</i> filed 05/26/15		
Cont. from 041515, 052715	Father: FELICIANO JIMENEZ		
Aff.Sub.Wit.		Paternal grandfather: APOLINAR JIMENEZ – <i>Consent & Waiver of Notice</i> filed 05/26/15	
✓ Verified			
Inventory			
PTC		Maternal grandfather: DECEASED	
Not.Cred.		Maternal grandmother: MONICA SIFUENTES – <i>Consent & Waiver of Notice</i> filed 05/26/15	
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.		Petitioner requests that the guardianship be terminated [no reason stated].	
Sp.Ntc.			
Pers.Serv.			
Conf. Screen		Court Investigator Jo Ann Morris filed a report on 04/07/15.	
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: JF
Reviewed on: 06/25/15
Updates:
Recommendation:
File 3 – Jimenez

Petition for Attorney's Fees and Costs

DOD: 12/19/12		DANIEL T. MCCLOSKEY, attorney for Loretta Ramos, heir, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		PAT HERNANDEZ, sister, was appointed as successor Administrator with bond set at \$400,000.00 on 03/19/14 due to the death of the previous administrator, Manuel Rojas.	<u>CONTINUED FROM 05/27/15</u> Minute Order from 05/27/15 states: Mr. McCloskey makes an oral motion to strike the objection based on the untimely filing. The motion is denied, but the Court allows time for a response. The written response is to be filed by Mr. McCloskey no later than 06/10/15.
Cont. from 032415, 042315			
	Aff.Sub.Wit.	Petitioner requests fees in connection with his representation of Loretta Ramos who is decedent's niece and intestate heir. Petitioner states that his client was not initially listed as an heir in the Petition for Probate of Manuel Rojas. His representation resulted in the former administrator recognizing Ms. Ramos as an heir as well as several other heirs that were initially left off the Petition for Probate. Further, his representation led to the Administrator's (both former and successor) being required to secure bond and also locating additional assets of the estate valued at approximately \$10,000.00, which benefitted all heirs of the estate. Petitioner asks that he be paid from the estate \$2,807.46 in attorney's fees, representing 11.55 hours @ \$250.00/hr., and costs in the amount of \$435.00 for a total request of \$3,042.56. Services are itemized by date and include review of correspondence, meetings with client, and court appearance.	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail w/		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Continued on Page 2

Objection to Petition for Attorneys' Fees and Costs filed 05/26/15 states: Mr. McCloskey is not the appropriate person to be requesting attorney's fees on behalf of his client. As an heir to the estate, Loretta Ramos is responsible for paying her attorney's fees. Mr. McCloskey did nothing to assist in the administration of the estate and if anything, he impeded the administration with his contentious correspondence and attitude toward the former Administrator and his attorney. When the decedent died, she had several living brothers and sisters all of whom were elderly and had health issues. The initial Administrator, Manuel Rojas (decedent's brother), was doing his best to ascertain the heirs and assets of the estate. The decedent was a hoarder and sorting through her assets took a very long time. Mr. Rojas was grieving the loss of his sister and had very little information about the identification and location of family members that had been estranged from the rest of the family for many years. As soon as he ascertained that information, a supplement to the petition was filed. Mr. McCloskey's contention that bond and additional estate assets were procured due to his involvement in the estate is false. Those things happened in the natural course of administering the estate and, if anything, Mr. McCloskey's correspondence was anger-producing for the former Administrator, Manuel Rojas.

The Court can see from the billing statements provided with the Petition that the majority of time spent was not Mr. McCloskey's time, but that of a paralegal and for office conferences with his paralegal/secretary and his client. He did no work in this file for over a year and a half until this Petition was filed. While he did work for the benefit of his client, none of that work was for the benefit of the estate, but was rather an impediment to moving the estate along. The Administrator respectfully requests that the Petition be denied in its entirety.

Reply in Support of Petition for Attorneys' Fees and Costs filed 06/10/15 states: The fees expended by Ramos were reasonable and necessary. Ramos disputes the declarations that the estate did not benefit by the information provided by Ramos' attorney regarding the existence of heirs and the existence of estate assets that were subsequently brought forward (the coin collection). Once Ramos was recognized as an heir, no further fees were incurred other than the cost of filing this Petition for Fees. If Ramos had not come forward, the personal representative would have distributed in contravention to the intestate succession statutes. Ramos and Schomers would not have received their share of the estate. Ramos' intervention with an attorney was reasonable because she was not a "core member" of the family and the personal representative would not talk to her. Ramos had no other alternative. The attorney's time spent was reasonable and Ramos' attorney located the heirs, with addresses and let the administrator know about the coin collection.

Ramos contends that it is not equitable that she should have to expend attorney's fees to be recognized as an heir. She contends that the then personal representative did not like Ramos, but knew of her existence and of Elizabeth Schomers, but did not disclose that and breached his duty to those heirs by fighting to disclose their existence in the petition. The Court should weigh the equities here and grant the petition for fees and costs and direct the Administrator to pay the fees from estate funds, or from the administrator's fees.

Atty Kruthers, Heather H. (for Public Administrator – Successor Administrator – Petitioner)

Amended First and Final Account and Report of Successor Administrator and petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for Distribution

DOD: 10/8/13	PUBLIC ADMINISTRATOR , Successor Administrator, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
	Account period: 8/20/14-4/2/15	Note: Third Declaration of Gary G. Bagdasarian filed 5/19/15 states he filed a declaration requesting additional credit of \$11,065.76 against the surcharge of Nancy Hamilton, which was acknowledged in this amended account. However, he also filed a Second Declaration on 4/2/15 providing verification of an additional \$4,521.26, which was not taken into account. These two amounts total \$15,587.02. Mr. Bagdasarian also states his request for costs of \$1,002.00 was waived. Mr. Bagdasarian provides proposed distribution taking this information into consideration. Please see declaration for details.
	Accounting: \$250,917.40 Beginning POH: \$237,605.63 Ending POH: \$101,927.26 (cash)	
Cont 052015	Preliminary Distributions:	1. Based on Mr. Bagdasarian's declaration, further amendment may be required, or further revised proposed order.
<input type="checkbox"/> Aff.Sub.Wit.	David Morris: \$28,000.00 Diane (Wray) Rogers: \$28,000.00 Nancy Hamilton: \$20,000.00 IFC: \$15,600.00	
<input checked="" type="checkbox"/> Verified	Surcharge (Former Administrator Nancy Hamilton):	Reviewed by: skc
<input checked="" type="checkbox"/> Inventory	\$19,025.15 (based on what the Public Administrator was able to marshal, less receipts provided to attorney)	
<input checked="" type="checkbox"/> PTC	Public Administrator (Statutory): \$8,018.35	Reviewed on: 6/25/15
<input checked="" type="checkbox"/> Not.Cred.	Attorneys (Statutory): \$8,018.35 The attorney for the Public Administrator and Gary Bagdasarian, attorney for the former Administrator, have agreed to split statutory compensation as follows:	Updates:
<input checked="" type="checkbox"/> Notice of Hrg	Gary Bagdasarian: \$5,018.35	Recommendation:
<input checked="" type="checkbox"/> Aff.Mail	County Counsel: \$3,000.00	File 6 - Morris
<input type="checkbox"/> Aff.Pub.	Public Administrator (Extraordinary): \$1,248.00 (\$1,000.00 for the sale of the real property, per local rule, plus \$248.00 for preparation of tax returns)	
<input type="checkbox"/> Sp.Ntc.	County Counsel (Extraordinary): \$1,170.00 (for 7.8 attorney hours @ \$150/hr)	
<input type="checkbox"/> Pers.Serv.	Gary Bagdasarian (Extraordinary): \$4,372.50 (per declaration, discounted from \$8,745.00, for 31.80 hours @ \$275/hr in connection with the sale of the real property)	
<input type="checkbox"/> Conf. Screen	Costs: \$1002.00 (Attorney Bagdasarian, for filing, publication, certified copies, appraisal)	
<input checked="" type="checkbox"/> Letters	Bond fee: \$156.84	
<input type="checkbox"/> Duties/Supp	Costs: \$537.00 (\$435.00 filing, plus \$102.00 processing)	
<input type="checkbox"/> Objections	Closing: \$10,000.00 (for any possible outstanding taxes)	
<input type="checkbox"/> Video Receipt	Distribution pursuant to intestate succession, assignments:	
<input type="checkbox"/> CI Report	David Morris: \$6,888.79 Diane Wray: \$6,888.79 Nancy Hamilton: \$10,263.64 Inheritance Funding Company (Assignee): \$44,800.00	
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		

Guardian Alvin Moultrie (Pro Per – Father – Guardian of the Estate)

Status RE: Receipt of Blocked Account

			ALVIN MOULTRIE , Father, was appointed Guardian of the Estate without bond on 3/24/15.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/6/15, 5/27/15 1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356). 2. Need Court filing fee \$435.00.
Cont from 050615, 052715			The Court ordered \$29,750.00 to be placed into a blocked account and set this status hearing for the filing of the receipt for blocked account.	
	Aff.Sub.Wit.			
	Verified		The Court also ordered that \$435.00 be withdrawn from the blocked account for payment of the Court filing fee.	
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

		ALVIN MOULTRIE , Father, was appointed Guardian of the Estate without bond on 3/24/15.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/6/15, 5/27/15 3. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356). 4. Need Court filing fee \$435.00.
Cont from 050615, 052715		The Court ordered \$29,750.00 to be placed into a blocked account and set this status hearing for the filing of the receipt for blocked account.	
Aff.Sub.Wit.			
Verified		The Court also ordered that \$435.00 be withdrawn from the blocked account for payment of the Court filing fee.	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 6/25/15
			Updates:
			Recommendation:
			File 10 - Moultrie

13 Nathan Finney, Breanna Finney and Rikki Finney (GUARD/P)
Case No. 15CEPR00122

Atty Stone, Tennison Anita (Pro Per – Step-Mother – Petitioner)

Atty Finney, Breanna Marie (Pro Per – Minor – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

See petition, objection for details.			NEEDS/PROBLEMS/ COMMENTS:
			<u>Continued from 4/8/15, 5/20/15.</u>
Cont. from 040815, 052015			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	X	
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/25/15
			Updates:
			Recommendation:
			File 13 – Finney

Attorney: Mark S. Poochigian, for Petitioner Nancy Valdez Mendez

(1) Petition for Orders Invalidating Power of Attorney, (2) Rescinding Purported Grant Deed, (3) Ordering Conveyance of Property, (4) Imposing Damages Under Probate Code Section 859, (5) Finding Respondent Liable for Elder Abuse, (6) Imposing Constructive Trust, and (7) Determining Entitlement to Property Under Probate Code Section 259

DOD: 10/7/2013		<p>NANCY VALDEZ MENDEZ, daughter, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> On or before 8/12/2009, Decedent was diagnosed by Alex Sherriffs, M.D. with severe dementia with or of the Alzheimer's type, indicating at that time the Decedent's memory problems represented a significant threat to her safety and noting that she suffered from severe cognitive impairment overall which compromised her ability to make good judgments; On 7/19/2010, Decedent purportedly executed a General Power of Attorney and Nomination of Conservator (copy attached as Exhibit A); at the time the purported Power of Attorney was allegedly executed, the Decedent was totally impaired and lacked the requisite mental capacity to execute a power of attorney; Petitioner contents the purported Power of Attorney is invalid <i>ab initio</i>; The purported Power of Attorney appointed JOEL VALDEZ as Decedent's attorney-in-fact and provided that in the event of his inability to serve, then EDNA T. VALDEZ shall serve as attorney-in-fact; Joel Valdez died 2/13/2011; On 3/28/2012, EDNA T. VALDEZ-GILMORE purportedly as attorney-in-fact for Decedent purportedly executed a purported Grant Deed granting to herself real property on Turner Ave. in Fresno (copy of Grant Deed attached as Exhibit B); Petitioner requests this Court rescind and nullify the purported Grant Deed; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 5/20/2015.</u> Minute Order states counsel advises they are in settlement discussions.</p> <p>Note: Petitioner NANCY VALDEZ MENDEZ was appointed Administrator with full IAEA with bond of \$160,000.00 (posted 5/5/2015); Letters issued 5/5/2015.</p> <p>1. Need proposed order pursuant to Local Rule 7.1.1(F) providing that a proposed order shall be submitted with all pleadings that request relief.</p>	
Cont. from 042215, 052015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W/
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/25/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 - Valdez</p>		

Petitioner NANCY VALDEZ MENDEZ states, continued:

- **First Cause of Action – Invalidity of Purported Power of Attorney:** Petitioner alleges that at the time of the alleged execution of the purported Power of Attorney, Decedent was not of sound mind, she was totally impaired, and lacked the requisite mental capacity to execute a power of attorney; Petitioner requests a judicial determination pursuant to Probate Code § 4541 and 4542 that the purported Power of Attorney was void *ab initio* due to the mental incapacity of the Decedent at the time of the execution of the purported Power of Attorney;
- **Second Cause of Action – Rescission and Nullification of Purported Grant Deed on the basis of the Principal's Lack of Capacity to Execute Purported Power of Attorney:** Petitioner alleges that at the time of the alleged execution of the purported Power of Attorney, Decedent was not of sound mind, she was totally impaired, and lacked the requisite mental capacity to execute a power of attorney; Petitioner requests that the purported Grant Deed be rescinded and declared null and void *ab initio* on the basis of invalidity of the purported Power of Attorney;
- **Third Cause of Action – Rescission and Nullification of Purported Grant Deed on the basis of Undue Influence in procuring the purported Power of Attorney:** Petitioner alleges the purported Power of Attorney was executed as a direct result of undue influence exerted by Joel Valdez and Edna T. Valdez-Gilmore, consisting of: making misrepresentations to Decedent and manipulated her in her compromised mental state; without notifying Decedent's family members, took advantage of her diminished capacity and surreptitiously arranged for Decedent to sign the purported Power of Attorney; Decedent was aged and infirm and suffering from dementia and as a result she was easily influenced and controlled by Joel Valdez and Edna T. Valdez, who actively procured the purported Power of Attorney as part of a pattern of conduct aimed at wrongfully gaining control of Decedent's property;
- **Fourth Cause of Action – Rescission and Nullification of Purported Power of Attorney on basis of Fraud:** By engaging in these acts, Edna T. Valdez-Gilmore made fraudulent representations to Decedent to induce her to sign the purported Power of Attorney, knowing they were false and with the intent to induce Decedent to sign the purported Power of Attorney, so that Edna could convey the Decedent's real property to herself per the purported Power of Attorney; as a result of her fraudulent acts, Petitioner has sustained damages in an amount to be proven at trial; Edna's acts were done maliciously, oppressively and with intent to defraud Decedent; punitive and exemplary damages pursuant to Civil Code § 3294 should be awarded in an amount to be proven at trial;
- **Fifth Cause of Action – Transfer of Property under Probate Code § 850:** All of Decedent's assets that Edna wrongfully obtained from Decedent should be returned to Decedent's estate, with any other benefits received during Edna's possession of assets, plus interest on the assets based on the market value at the time of death during the period Edna had the assets in her possession; Decedent died having a claim to real and personal property, including the subject real property; the Court may make an order under Probate Code § 850(a)(2)(D) directing Edna to execute a conveyance or transfer of the real property wrongfully taken by her; Edna took Decedent's property wrongfully and in bad faith; Decedent's estate is entitled to recover from Edna twice the value of the property taken pursuant to Probate Code § 859;

~Please see additional page~

Petitioner NANCY VALDEZ MENDEZ states, continued:

- **Sixth Cause of Action – Elder Abuse under Welfare & Institutions Code § 15610 et seq.:** At all relevant times Decedent was an elder as defined by W&I § 15610.27, and Edna knew or should have known Decedent was an elder and she reposed in Edna her trust and confidence; Edna usurped powers granted under purported Power of Attorney to upset what would otherwise have been distribution of Decedent's assets so Edna would receive the property and Decedent's other children would receive nothing; *[W&I definition of elder abuse omitted]*; Edna violated W&I § 15610.30 by wrongful acts, misrepresentations, and omissions; Edna took, secreted, misappropriated or retained Decedent's property including the subject real property, and did so to a wrongful use or with the intent to defraud Decedent; as a direct and proximate result of Edna's violations, Decedent suffered pecuniary loss in an amount to be proven at trial according to proof; **under W&I Code, the following is requested be awarded by Court to the Petitioner:** reasonable attorneys' fees and costs; punitive damages; an attachment issued (by application of writ of attachment); fine or penalty up to 3 times greater than authorized by statute; all against Edna T. Valdez-Gilmore for the unlawful acts that constitute the financial abuse committed by Edna against Decedent;
- **Seventh Cause of Action – Breach of Fiduciary Duty:** Edna Valdez-Gilmore, by virtue of purportedly being Decedent's agent under the purported Power of Attorney is a fiduciary to Decedent, and as such owed fiduciary duties to Decedent; by engaging in the acts and omissions, Edna breached her fiduciary duties owed to Decedent; as a result of Edna's breach of fiduciary duties, Decedent suffered damages, the exact amount of which will be proven at trial; the acts of Edna were done maliciously, oppressively and with the intent to defraud Decedent so that punitive and exemplary damages pursuant to Civil Code § 3294 should be awarded in an amount to be ascertained at the time of trial according to proof;
- **Eighth Cause of Action – Imposition of Constructive Trust:** By virtue of Edna's exertion of undue influence over Decedent, Respondent holds title to all assets that she received from the Decedent, including the subject real property, as well as all income derived from such assets, as constructive trustee for the benefit of the persons entitled to distribution of Decedent's estate.

Petitioner prays for and Order of the Court:

1. Finding the purported Power of Attorney to be invalid *ab initio*;
2. Rescinding and nullifying the purported Grant Deed;
3. Finding that Edna T. Valdez-Gilmore is liable for fraud;
4. Ordering the conveyance of all property wrongfully obtained from the Decedent by Edna T. Valdez-Gilmore, including the subject real property, back to the estate of the Decedent;
5. Imposing damages under Probate Code § 859;
6. Finding that Edna T. Valdez-Gilmore is liable for elder abuse pursuant to Welfare & Institutions Code § 15610 et seq.;
7. Imposing a constructive trust on all assets that Edna T. Valdez-Gilmore received from the Decedent, including without limitation the subject real property as well as all income derived from such assets;
8. For attorneys' fees and costs pursuant to Welfare & Institutions Code § 15610.30;
9. For punitive and exemplary damages against Edna T. Valdez-Gilmore in a sum sufficient to punish and make an example of Edna T. Valdez-Gilmore;
10. Declaring that Edna T. Valdez-Gilmore forfeited her interest in any recovery of any damages and costs awarded under this action in the Decedent's property, and that her interest shall instead be distributed as though she predeceased the Decedent without issue; and
11. Awarding attorneys' fees and costs to Petitioner.

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			Continued from 5/20/15. As of 6/25/15, nothing further has been filed by Petitioner. The following issues remain:
			1. Need Notice of Hearing.
			2. Need proof of <u>personal</u> service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Skyler Yoakum (Father) - Laraina Alcantar (Mother)
			3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Kristy Jones (Maternal Grandmother) - Maternal Grandfather - Paternal Grandfather - Paternal Grandmother
			Reviewed by: skc
			Reviewed on: 6/25/15
			Updates:
			Recommendation:
			File 16 - Yoakum

Cont. from 052015		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

**17 Eric Edward Rodriguez-Perez, Arelid Gamez & Alexander Gamez, Jr.
(GUARD/P) Case No. 15CEPR00291**

Petitioner: Jose Ricardo Rodriguez, JR (pro per)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		TEMPORARY EXPIRES 7/1/15.	NEEDS/PROBLEMS/COMMENTS:
		JOSE RICARDO RODRIGUEZ, Jr., maternal uncle, is petitioner.	<p>1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:</p> <p>a. Edward Perez (Eric's father) – unless the court dispenses with notice.</p> <p>b. Alexander Gamez (Arelid & Alexander's father) – unless the court dispenses with notice.</p> <p>2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:</p> <p>a. Eric's paternal grandparents – Declaration of Due Diligence filed for Eric's paternal grandparents.</p> <p>b. Arelid and Alexander's paternal grandparents.</p> <p>Note: There is a proof of service filed for Alexander Gamez Mendoza, Dora Miriam Mendoza and Jose A. Gamez however it is unclear what their relationship to the minors is.</p> <p>3. Petition does not list the names and addresses of all paternal grandparents and the maternal grandfather.</p>
		Please see petition for details.	
Cont. from 052015		Court Investigator Report filed on 5/12/15.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 6/25/15
			Updates:
			Recommendation:
			File 17 - Rodriguez & Gamez